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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO CHRISTOPHER TABAREZ,

Defendant.

CASE NO. 2:21-CR-211-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
AND ORDER

DATE: September 12, 2023
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 12, 2023. In its order setting this hearing date, the Court stated: "No further continuances of the status conference in this case will be granted absent a compelling showing of good cause." ECF No. 71.

2. By this stipulation, defendant now moves to continue the status conference until November 7, 2023, for a status conference (likely change of plea hearing), and to exclude time between September 12, 2023, and November 7, 2023, under Local Code T4. Defendant asks the Court to find "a compelling showing of good cause" based on the fact that defense counsel Megan Virga's father recently passed away. Given her father's passing and the associated familial and personal responsibilities, Ms. Virga has not been able to do the necessary defense preparation she had planned for

1 the September 12, 2023, status conference (likely change of plea) hearing in this matter. Accordingly,
2 the defendant respectfully requests one more brief continuance to allow the defense to complete the
3 necessary preparation they had planned to complete by September 12, 2023. The requested date,
4 November 7, 2023, at 9:30 am, is the next available date that works for all parties and will give the
5 defense sufficient time to prepare.

6 3. The parties agree and stipulate, and request that the Court find the following:

7 a) The government has represented that the discovery associated with this case
8 includes more than 400 pages of investigative reports, photographs, and other documents and
9 materials. All of this discovery has been either produced directly to counsel and/or made
10 available for inspection and copying.

11 b) Counsel for defendant desires additional time to review the discovery, conduct
12 factual investigation, review the charges and potential defenses and resolutions, confer with their
13 client, and otherwise prepare for trial.

14 c) Counsel for defendant believes defendant will likely wish to change his plea at the
15 next status conference. However, counsel for defendant have not had sufficient opportunity to
16 meet with defendant to finalize the plea agreement and confirm that he desires to change his plea
17 pursuant to the proposed plea agreement. In the event defendant does not decide to plead guilty
18 by the next court date, the time counsel needs to meet with defendant will also be necessary for
19 counsel's trial preparation.

20 d) Counsel for defendant believes that failure to grant the above-requested
21 continuance would deny them the reasonable time necessary for effective preparation, taking into
22 account the exercise of due diligence.

23 e) The government does not object to the continuance.

24 f) Based on the above-stated findings, the ends of justice served by continuing the
25 case as requested outweigh the interest of the public and the defendant in a trial within the
26 original date prescribed by the Speedy Trial Act.

27 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
28 et seq., within which trial must commence, the time period of September 12, 2023 to November

7, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 5, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

Dated: September 5, 2023

/s/ Megan Virga
Megan Virga
Ronald Peters
Counsel for Defendant
ARMANDO CHRISTOPHER
TABAREZ

ORDER

Pursuant to the stipulation of the parties and good cause appearing, the status conference previously scheduled for September 12, 2023 is continued to November 7, 2023, at 9:30 a.m. and time is excluded between September 12, 2023, and November 7, 2023, under Local Code T4. No further continuances of the status conference date will be granted absent a compelling showing of good cause.

IT IS SO ORDERED.

Dated: September 6, 2023

Dale A. Drozd
DALE A. DROZD
UNITED STATES DISTRICT JUDGE